

REMARKS

I. Priority

The Examiner states, "The Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 [because] the claim for priority was not submitted within the time period set forth in 37 CFR 1.78(a)." October 17, 2006 Office Action, paragraph 1, page 2.

In response, the Applicant has concurrently filed a Petition to Accept an Unintentionally Delayed Priority Claim Under 37 CFR 1.78(a) to claim the benefit of nonprovisional application No. 10/097,921, "Reaction Bonded Alumina Filter and Support," filed March 13, 2002 (U.S. Patent No. 6,695,967), of which this application is a Continuation-in-Part; nonprovisional application No. 10/685,057, "Membrane Devices Using Reaction Bonded Monolith Supports," filed Oct. 14, 2003; and nonprovisional application No. 10/777,231, "Reaction Bonded Porous Magnesia Body," filed Feb. 12, 2004.

The Examiner further states "the later-filed application must be an application for a patent for an invention which is also disclosed in the prior application...[t]he disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112." October 17, 2006 Office Action, paragraph 1, pages 2-3.

The Applicant respectfully contends that the prior application, No. 10/097,921, "Reaction Bonded Alumina Filter and Membrane Support, filed March 13, 2002, now U.S. Patent No. 6,695,967 (Bishop), discloses the invention of the present application sufficient to comply with the requirements of the first paragraph of 35 USC 112. The Applicant respectfully points out that the Examiner has concluded as much in paragraph 5 of the Office Action. Specifically, the

Examiner states that the prior application, No. 10/097,921, now U.S. Patent No. 6,695,967 (Bishop), discloses claims 1, 3-5, 8 and 14-17 of the present application. October 17, 2006 Office Action, paragraph 5, pages 4-5. Thus, the prior application, No. 10/097,921, now U.S. Patent No. 6,695,967 (Bishop) provides adequate support for at least one claim in the present application.

II. Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1, 3-6, 8, 11, and 14-17 under 35 U.S.C. § 102(e) as being anticipated by Bishop et al. (U.S. 6,695,967, Application No. 10/097,921). October 17, 2006 Office Action, paragraph 5, pages 4-5. The priority of the Bishop patent has been claimed herein, and supported by the concurrently filed Petition to Accept an Unintentionally Delayed Priority Claim Under 37 CFR 1.78(a), which resolves this rejection.

The Examiner rejected claim 13 under 35 U.S.C. § 102(e) as being anticipated by Bishop et al. (U.S. 6,695,967, Application No. 10/097,921). October 17, 2006 Office Action, paragraph 6, pages 5-6. The priority of the Bishop patent has been claimed herein, and supported by the concurrently filed Petition to Accept an Unintentionally Delayed Priority Claim Under 37 CFR 1.78(a), which resolves this rejection.

III. Double Patenting Rejections

The Examiner rejected claims 1, 3-5, 8 and 13-17 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 and 17 or U.S. Patent No. 6,695,967 (Application No. 10/097,921, Bishop). October 17, 2006 Office Action, paragraphs 7-8, pages 6-8.

In response, the Applicant is concurrently filing a Terminal Disclaimer.

The Applicant has addressed the Examiner's Response, and respectfully requests reconsideration and allowance. If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westborough, Massachusetts, (508) 898-1501.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brian M. Dingman', with a stylized, sweeping flourish at the end.

Brian M. Dingman

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